

Mona Lisa Harrison
petitioner,

v.

Gov. Ruth Minner
State of Delaware Respondents,

Civil Action No. # 06-201 (GMS)



Civil Action Suite

Scanned- BD 9/20/06

This is a motion that is in regards to the "Clean Indoor Act". It is not a motion to try and change the law. However, due to some research and a Newspaper article - there seems to be a "loophole" in the law. There is enclosed, the clipping from the Newspaper titled, "Businesses Dodge Smoking bans". I realize that the prison is a Government or State building. This ~~such~~ is true. However, "No one under 18 is allowed."

Yet as I did some research and found that many other states have adopted the law after Delaware, as stated in clipping. One I like to bring to light is South Carolina. It's a proven fact that all states have Institutions and or Prisons. In South Carolina they too adopted the "Clean Indoor Act," however - the Institutions and prisons are allowed to smoke.

They (S.C.) have designated smoking times and area's. They do not sell cigarette lights or matches on their commissary store. They installed cigarette lighter boxes in the

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yards, on the outside of the buildings. They are able to do this due to the "loophole", just as in Georgia with the Eatery. No one under 18 years of age is in or can they be in the prison, IF in fact they are - like at Gander Hill Prison for males - they are held separate and apart from adults.

So, my motion is for Delaware to allow the residents to smoke in a designated smoking area - outside the buildings. There also is great money for the State to gain by this motion. The State Hospital has smoking areas as well.

I hereby pray the court not only listens but that it grant Delaware Prisons their smoking back in their Institutions and Prisons. That we be granted designated smoking outside of the Prisons.

Mona Lisa Harrison
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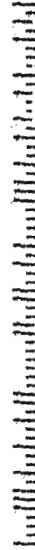
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Businesses dodge smoking bans

Eatery managers find a loophole – adults can light up if children aren't allowed in

By RUSS BYNUM
Associated Press

DUBLIN, Ga. — A year after Georgia forced restaurants to extinguish their smoking sections, the sign outside Chuck and Kay Fordham's diner defiantly invites customers to "Bring Your Butts On In."

Inside, ceiling fans stir the smell of frying bacon and hash browns and clouds of cigarette smoke as patrons puff away over cups of coffee. Butts pile up in the ashtrays on the tables and lunch counter.

Folks who don't want a side order of secondhand smoke with their eggs and burgers should probably stay away from the Smoker's Cafe.

The Fordhams found a way around the smoking ban by exploiting a loophole that was created to exempt bars from the law. Instead of banning cigarettes, the couple banned children from their restaurant.

"The biggest thing with me was the government telling you that you can't do this," Chuck Fordham said. "Most smokers, after they eat, want a cigarette. And to get up from the table to smoke, it's just a pain."

As more states and municipalities do what Delaware has already done – stamp out smoking in indoor public places – businesses that cater to tobacco lovers are finding ways to allow smokers to keep lighting up.

"We hear about it all the time," said Gary Nolan, spokesman for The Smoker's Club, a smokers' advocacy group. "In many cases, they're disobeying it, and in other cases, they are finding loopholes."

In Little Rock, Ark., Pizza D'Action and the Legends Sports Bar and Grill also de-

cided smokers were more profitable than any customers under 21, who have been turned away from both places since Arkansas' smoking ban began in July. Managers at both eateries said the decision was easy, because few customers brought in children anyway.

The Crab Trap restaurant in New Port Richey, Fla., ignored Florida's 2003 smoking ban for nearly three years, drawing two warnings but no penalties before it had to close in April because of structural problems.

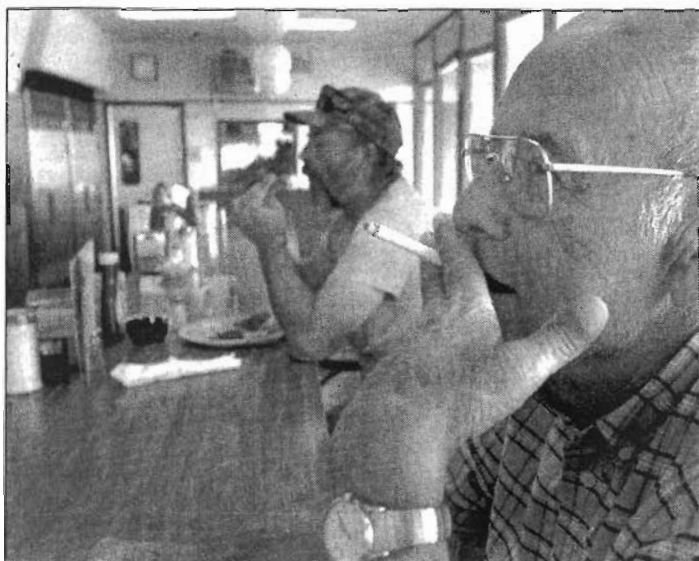
Owner Deborah Iannuzzi is unsure whether she will reopen. "With all these laws and everything, I don't know if I want to get back into this," she said.

According to California-based Americans for Nonsmokers' Rights, 17 states and 474 municipalities have enacted smoking bans in restaurants, bars and other workplaces. Hawaii begins a ban in November, and Washington, D.C., is going smokeless in January.

"Just as people violate speed limits, there will be individual businesses who will try to circumvent the smoke-free laws," said Bronson Frick, associate director for the nonsmokers' group. "But over time, we see compliance go higher."

The Fordhams had never run a restaurant before they opened the Smoker's Cafe in this small Georgia city, 130 miles southeast of Atlanta. The idea came as an angry response to the political momentum of Georgia's proposed ban.

Chuck Fordham, a 41-year-old truck driver, had already come to dread his hauls to Florida, where he could no longer stop for coffee and a cigarette indoors. Kay Fordham, 42, was used to lighting up while



AP/STEPHEN MORTON

James Lord, 65, of Dublin, Ga., puffs on a cigarette at The Smoker's Cafe, which has exploited a loophole in the statewide smoking ban.

selling insurance from a booth at another Dublin diner that allowed smoking before the ban.

So the couple bought a vacant restaurant, hired a short-order cook, stocked up on ashtrays and stenciled "No One Under 18 Allowed" on the door.

The Smoker's Cafe opened a month after the Georgia ban took effect in July 2005.

"When they passed the smoking law, they left the door open for places like this," said Roger Wild, a postal worker who eats lunch almost daily at the cafe.